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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,551	02/26/2004	Jen-Kui Chang	14259 B	7040
167	7590	12/14/2004	EXAMINER	
FULBRIGHT AND JAWORSKI L L P			REESE, DAVID C	
PATENT DOCKETING 29TH FLOOR			ART UNIT	PAPER NUMBER
865 SOUTH FIGUEROA STREET				
LOS ANGELES, CA 900172576			3677	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/788,551	CHANG, JEN-KUI	
	<b>Examiner</b>	<b>Art Unit</b>	
	David C. Reese	3677	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-10 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Status of Claims***

[1] Claims 1-10 are pending.

### ***Claim Objections***

[2] Claim 8 is objected to because of the following informalities: "have a width smaller **that that** of the root portion" is not grammatically correct.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

[3] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[4] Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Enstrom, U.S. Patent 3,882,755.

Enstrom teaches of a sheet metal drive fastener.

As for Claim 1, Enstrom discloses a sheet metal drive fastener comprising a root portion (10 in Fig. 2), and a driven portion (20 in Fig. 2), wherein:

the root portion has a first end (14 in Fig. 1) and a second end (24 in Fig. 1), the root portion has a mediate portion formed with two elongated slots (28, 28a and below in Fig. 1); and

the driven portion has an end extended from the first end of the root portion (20 in Fig. 2).

As for Claim 2, Re: Claim 1, Enstrom shows a sheet metal drive fastener wherein the root portion is a sheet plate (10 in Fig. 2).

As for Claim 3, Re: Claim 1, Enstrom shows a sheet metal drive fastener wherein the root portion has a first face formed with a convex arc-shaped surface and a second face formed with a concave arc-shaped surface (Fig. 4).

As for Claim 4, Re: Claim 1, Enstrom shows a sheet metal drive fastener wherein each of the two elongated slots is extended along a longitudinal direction of the root portion (28, 28a and below).

As for Claim 5, Re: Claim 1, Enstrom shows a sheet metal drive fastener wherein the root portion has two opposite sides each formed with a ratchet portion (30a in Fig. 1).

As for Claim 6, Re: Claim 5, Enstrom shows a sheet metal drive fastener wherein the ratchet portion of each of the two opposite sides of the root portion is directed toward the first end of the root portion (30, 30a in Fig. 5).

As for Claim 7, Re: Claim 5, Enstrom shows a sheet metal drive fastener wherein the second end of the root portion has two opposite sides each formed with an inclined face having a first end located adjacent to the respective ratchet portion, an oblique blade having a first end extended from a second end of the inclined face, and a tip extended from a second end of the oblique blade (24, 24a, and 22 in Fig. 1).

As for Claim 8, Re: Claim 7, Enstrom shows a sheet metal drive fastener wherein the inclined faces of the two opposite sides of the second end of the root portion have a width smaller than that of the root portion (the width between 24 and 24a compared with that between 26 and 26a).

As for Claim 9, Re: Claim 1, Enstrom shows a sheet metal drive fastener wherein the driven portion has a planar shape (20 in Fig. 2).

As for Claim 101, Re: Claim 1, Enstrom shows a sheet metal drive fastener wherein the driven portion is vertical to the root portion, so that that root portion is combined with the driven portion to form a substantially L-shaped body (The L-shaped as shown by the driven portion and root portion in Fig. 2).

***Conclusion***

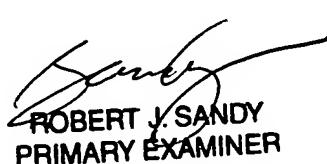
[5] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Farrell et al., 6,817,818; 6,659,700; O'banion et al., 6,719,512; Flora 2,751,052; Arthur, 4,203,193; Johansson, 4,627,777; Chisholm et al., 4,728,238; Atack, 4,764,072; Anstett, 2868,057; 6,139,238; Lombard, 2,110,959; Dimas, 3,983,779;

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,  
David Reese  
Assistant Examiner  
Art Unit 3677

  
ROBERT J. SANDY  
PRIMARY EXAMINER